

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEREMY DICKERSON, individually and :  
on behalf of all others :  
similarly situated, :  
:

Plaintiff, :  
:

-against- :  
:

SHEILA FELDMAN, HELLEN L. NELLING, :  
SUSAN E. BERINGTON, CHRISTOPHER :  
N. AST, EMPLOYEE BENEFITS PLAN :  
COMMITTEE, JOHN HUNTER, ROBERT :  
CLAUSEN, ROBERT POTTER, NORTHERN :  
TRUST COMPANY OF CONNECTICUT, :  
NORTHERN TRUST COMPANY, and JOHN :  
DOES 1-10, :  
:

Defendants. :  
:  
-----x

04 Cv. 7935 (LAP)

ORDER

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/27/05

LORETTA A. PRESKA, United States District Judge:

As set out in the order dated April 25, 2005, Plaintiff was permitted to file an amended complaint. Defendants were instructed that if they believed the amended complaint to be deficient they were to inform Plaintiff of the nature of the deficiency. If Defendants so informed Plaintiff, he was given the opportunity to amend the complaint again, presumably, in order to meet the deficiency, or to stand on the amended complaint either one being "with the understanding that no further amendments will be permitted."

As set out in Ms. Wahle's June 6 letter (and not disputed by Plaintiff), Defendant's May 13 letter to Plaintiff raised as a deficiency in the amended complaint that Plaintiff Dickerson is not a participant in the employee benefit plan at issue here and thus lacks

standing. Plaintiff chose to stand on the amended complaint "with the understanding that no further amendments will be permitted."

Plaintiff now seeks to do exactly what it was understood, and ordered, that it could not do -- amend the complaint yet again apparently to meet the very deficiency identified by Defendants in their May 13 letter. Accordingly, Plaintiff's request to file a Third Amended Complaint is denied.

SO ORDERED:

Dated: New York, New York  
June 9, 2005

  
LORETTA A. PRESKA, U.S.D.J.